

12B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

:

-v.-

:

SEALED
INDICTMENT

DHIREN BAROT,

:

05 Cr.

a/k/a "Esa al-Britani,"

a/k/a "Abu Esa al-Britani,"

:

a/k/a "Esa al-Hindi,"

a/k/a "Issa al-Hindi,"

:

05CRIM. 311

NADEEM TARMOHAMED, and

QAISAR SHAFFI,

:

Defendants.

:

- - - - -X

COUNT ONE

CONSPIRACY TO USE WEAPONS OF MASS DESTRUCTION
AGAINST PERSONS WITHIN THE UNITED STATES

The Grand Jury charges:

1. From at least in or about 1998, up through and including in or about August 2004, in the Southern District of New York and elsewhere, DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2332a(a)(2) of Title 18, United States Code.

2. It was a part and an object of said conspiracy that DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and

QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly would use weapons of mass destruction, to wit, improvised explosive devices and bombs, against persons within the United States, where the results of such use would have affected interstate and foreign commerce, in violation of Title 18, United States Code, Section 2332a(a)(2).

Means and Methods of the Conspiracy

3. At various times from on or about August 17, 2000, up to and including on or about April 8, 2001, DHIREN BAROT, NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, visited and conducted surveillance on buildings and surrounding neighborhoods in the United States, including the International Monetary Fund World Headquarters and the World Bank Headquarters in Washington, D.C., the Prudential Corporate Plaza and World Headquarters Building in Newark, New Jersey, and the New York Stock Exchange Building and the Citigroup Centre in Manhattan, New York. This surveillance included, among other things, video surveillance conducted in Manhattan, New York, in or about April 2001.

Overt Acts

4. In furtherance of said conspiracy, and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. In or about 1998, DHIREN BAROT, the defendant, served as a lead instructor at a jihad training camp in Afghanistan

where recruits were taught to use weapons and received other paramilitary training.

b. In or about June 2000, DHIREN BAROT, the defendant, applied to a college in New York in order to conceal the true purpose of his subsequent trips to the United States and was later admitted for the 2000 and 2001 school years, but never enrolled or attended any classes at the college.

c. On or about August 17, 2000, DHIREN BAROT and NADEEM TARMOHAMED, the defendants, entered the United States at the John F. Kennedy International Airport in New York, arriving on the same flight from the United Kingdom, and listed the same New York hotel on their immigration forms.

d. In or about late August 2000, DHIREN BAROT and NADEEM TARMOHAMED, the defendants, traveled to the Washington, D.C. area.

e. On or about September 5, 2000, NADEEM TARMOHAMED, the defendant, departed the United States on a flight to the United Kingdom.

f. On or about November 14, 2000, DHIREN BAROT, the defendant, departed the United States on a flight to the United Kingdom.

g. On or about March 11, 2001, DHIREN BAROT and QAISAR SHAFFI, the defendants, entered the United States at the John F. Kennedy International Airport in New York, arriving on the

same flight from the United Kingdom, and listed the same New York residence on their immigration forms.

h. On or about April 3, 2001, QAISAR SHAFFI, the defendant, after becoming ill and being treated at a New York hospital with the assistance of DHIREN BAROT, the defendant, departed the United States on a flight to the United Kingdom.

i. On or about April 4, 2001, the day after QAISAR SHAFFI, the defendant, left the United States and returned to the United Kingdom, NADEEM TARMOHAMED, the defendant, entered the United States at the John F. Kennedy International Airport in New York, arriving on a flight from the United Kingdom, and listed a New York hotel on his immigration form at which DHIREN BAROT, the defendant, had stayed.

j. On or about April 8, 2001, DHIREN BAROT and NADEEM TARMOHAMED, the defendants, departed the United States on the same flight to the United Kingdom.

(Title 18, United States Code, Section 2332a(a)(2).)

COUNT TWO

CONSPIRACY TO PROVIDE AND CONCEAL MATERIAL SUPPORT AND RESOURCES TO TERRORISTS

The Grand Jury further charges:

5. From at least in or about 1998, up through and including in or about August 2004, in the Southern District of New York and elsewhere, DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a

"Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 2339A of Title 18, United States Code.

6. It was a part and an object of the conspiracy that DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly would and did, within the United States, provide material support and resources and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 2332a(a)(2) of Title 18, United States Code (using weapons of mass destruction against persons within the United States), and in preparation for, and in carrying out, the concealment of an escape from the commission of such violation, in violation of Title 18, United States Code, Section 2339A.

7. It was further a part and an object of the conspiracy that DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly would and did, within

the United States, provide material support and resources and conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 844(i) of Title 18, United States Code (damaging by fire and explosives any building, vehicle, or property used in interstate or foreign commerce), and in preparation for, and in carrying out, the concealment of an escape from the commission of such violation, in violation of Title 18, United States Code, Section 2339A.

Overt Acts

8. In furtherance of said conspiracy, and to effect the illegal objects thereof, the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein, were committed in the Southern District of New York and elsewhere.

(Title 18, United States Code, Section 2339A.)

COUNT THREE

PROVIDING AND CONCEALING MATERIAL SUPPORT AND RESOURCES TO TERRORISTS

The Grand Jury further charges:

9. From at least in or about 1998, up through and including in or about August 2004, in the Southern District of New York and elsewhere, DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi,"

NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly, within the United States, provided material support and resources and concealed and disguised the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, violations of Sections 844(i) and 2332a(a)(2) of Title 18, United States Code, and in preparation for, and in carrying out, the concealment of an escape from the commission of such violations.

(Title 18, United States Code, Sections 2339A and 2.)

COUNT FOUR

**CONSPIRACY TO DAMAGE AND DESTROY BUILDINGS
USED IN INTERSTATE AND FOREIGN COMMERCE**

The Grand Jury further charges:

10. From at least in or about 1998, up through and including in or about August 2004, in the Southern District of New York and elsewhere, DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani," a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly combined, conspired, confederated and agreed together and with each other to violate Section 844(i) of Title 18, United States Code.

11. It was a part and an object of the conspiracy that DHIREN BAROT, a/k/a "Esa al-Britani," a/k/a "Abu Esa al-Britani,"


a/k/a "Esa al-Hindi," a/k/a "Issa al-Hindi," NADEEM TARMOHAMED, and QAISAR SHAFFI, the defendants, and others known and unknown, unlawfully and knowingly would maliciously damage and destroy, by means of fire and an explosive, buildings, vehicles, and other real and personal property used in interstate and foreign commerce and in activities affecting interstate and foreign commerce, in violation of Title 18, United States Code, Sections 844(i) and (n).

Overt Acts

12. In furtherance of said conspiracy, and to effect the illegal object thereof, the overt acts set forth in Count One of this Indictment, which are fully incorporated by reference herein, were committed in the Southern District of New York and elsewhere.

(Title 18, United States Code, Sections 844(i) and (n).)

FOREPERSON



DAVID N. KELLEY
United States Attorney